

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO: 0:22-CV-61553-WPD

**CRUZ VALDIVIESO FIGUERA,**

Plaintiff,

vs.

**ALL VIP CARE, INC., &  
LIZ VELAZQUEZ McKINNON,**

Defendants.

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**ALL VIP CARE, INC., &  
LIZ VELAZQUEZ McKINNON**

Counter-Plaintiff,

Vs.

**CRUZ VALDIVIESO FIGUERA,**

Counter-Defendant.

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**DEFENDANTS & COUNTER PLAINTIFF'S MOTION TO REDACT EXHIBIT A TO  
THEIR ANSWER, AFFIRMATIVE DEFENSES & COUNTER-COMPLAINT FILED ON  
JANUARY 28, 2023, [DE-37] & LEAVE TO FILE A REPLACEMENT EXHIBIT A TO  
THE REDACTED FILING**

The Defendants and Counter-Plaintiffs ALL VIP CARE, INC., & LIZ VELAZQUEZ McKINNON, (collectively referred to as "VIP") file this Motion To Redact Exhibit A To Their Answer, Affirmative Defenses & Counter-Complaint filed on January 28, 2023, [De-37] & Leave to File a Replacement Exhibit A; and in support thereof VIP states:

1. This action was first filed on August 22, 2022.
2. On December 9, 2022, the undersigned took over representation of VIP.

3. On January 28, 2023, with leave of this Court [DE-36] VIP filed their Amended Answer, Affirmative Defenses, and Counter-Complaint to CRUZ VALDIVIESO FIGUERA's (hereinafter referred to as "Figuera") Second Amended Complaint. [DE-37]

4. The Counter-Complaint against Figuera, included claims for breach of contract and related causes of action. [DE-37].

5. The contract at issue in the Counter-Complaint was attached to the Answer, Affirmative Defenses, and Counter-Complaint, as Exhibit A. [DE-37]

6. Pages 23, 31, and 41 of this Exhibit A contained personal information regarding Figuera. These pages are further identified by their Bates numbers of ALL VIP 26 A 000002, 000010, and 20, which are located in the lower right corner of the filing (hereinafter referred to as "Erroneous Filing.")

7. On April 21, 2023, Figuera filed her Answer and Affirmative Defenses to the Counter-Complaint. [DE-44]. This filing included eleven (11) Affirmative Defenses, none of which identified the Erroneous Filing.

8. On June 15, 2023, at 1618 hours, counsel for Figuera by way of email, informed the undersigned for the first time of the Erroneous Filing.

9. This notification by Figuera's counsel occurred nearly five (5) months after the Erroneous Filing took place.

10. Accordingly, this motion is filed to address and correct the Erroneous Filing.

WHEREFORE VIP request that this Court enter an Order: (i) directing the Clerk of the Court to redact Exhibit A of the Answer, Affirmative Defenses & Counter-Complaint filed on January 28, 2023, [De-37] & grant leave for VIP to file a replacement Exhibit A, which will have the

pertinent information redacted with in five (5) days of this Order; together with whatever further relief that this Court deems fit and proper.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was provided to: **Brian Howard Pollock, Esquire**, Fairlaw Firm, 135 San Lorenzo, Avenue, Suite 770, Coral Gables, FL 33146, [Brian@fairlawattorney.com](mailto:Brian@fairlawattorney.com); **Toussaint Marcus Cummings, Esquire**, Quintairos, Prieto, Wood, and Boyer, 9300 South Dadeland Blvd, 4<sup>th</sup> Floor, Miami, FL 33156, [toussaint@fairlawattorney.com](mailto:toussaint@fairlawattorney.com), by email on **June 16, 2023**.

/s/ RANDY M. GOLDBERG, ESQUIRE

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